

**mnevarez@lawofficesmrn.com**

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**From:** mnevarez@lawofficesmrn.com  
**Sent:** Wednesday, November 3, 2021 10:10 AM  
**To:** 'Jeff Carruth'  
**Cc:** paralegal-2@lawofficesmrn.com  
**Subject:** RE: TGV - lis pendens  
**Attachments:** Notice of Release of Lis Pendens - Westar - MAILED.pdf

Thank you for your response. And for correcting errors 1, 2 and 6 listed in my previous email to you below.

As for the rest, Westar is under no requirement to address/verify the legal description required by the title company, or the HD Lending deed of trust, and I can't advise Westar to sign a proposed release that pertains to some unknown metes and bounds. That would constitute legal malpractice on my part, and quite possibly the filling of a false document by Westar, which is a statutory offense in Texas.

That's not "nit-picky", as you say, because I have no idea what the legal description you provided relates to, and neither does Westar, so I would have to hire a surveyor to figure that one out.

There simply is no time for that, if you **NEED THE FINAL EXECUTED AND NOTARIZED DOCUMENT TODAY.**

The only requirement we're under by Court is to release the lis pendens filed by Westar.

So, here you go ALL FIXED SEE ATTACHED Release of Notice of Lis Pendens that we overnighted yesterday to the El Paso County Clerk for filing, in anticipation of your obstinance. See the priority mail receipt on page 16 of the attached.

The attached Release of Notice of Lis Pendens expressly releases the two (2) lis pendens filed by Westar, save and except the "Future Lot 7" that the Court permitted Westar to retain under the Final Order Granting Emergency Motion Of Debtor To Assume And Enforce Westar Subscription Agreement. See Docket No. 231, Page 2 of 7, Paragraph 9.

In the event you wish to take this to the Court, please attach a copy of this email, and the attached lis pendens release that we mailed out yesterday.

**Michael R. Nevarez**  
**Attorney at Law**

The Nevarez Law Firm, PC  
Attorneys And Counselors At Law  
Mailing Address:  
P.O. Box 12247  
El Paso, TX 79913  
Telephone: (915) 225-2255  
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**DEBT RELIEF AGENCY:** Our law firm is considered a "Debt Relief Agency" under the Bankruptcy Reform Act, as defined in 11 U.S. Code § 101(12A), as we assist people with finding solutions to their debt and credit problems, including, where appropriate, assisting them with the filing of petitions for relief under the United States Bankruptcy Code.

**FAIR DEBT COLLECTION PRACTICES ACT:** Pursuant to the Fair Debt Collection Practices Act, please be advised that this law firm is a debt collector and any information obtained may be used for that purpose. However, if the debt is in active bankruptcy or has been discharged through bankruptcy, this communication is not intended as and does not constitute an attempt to collect a debt.

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**From:** Jeff Carruth <jcarruth@wkpz.com>  
**Sent:** Tuesday, November 2, 2021 5:01 PM  
**To:** mnevarez@lawofficesmrn.com  
**Cc:** paralegal-2@lawofficesmrn.com; Jeff Carruth <jcarruth@wkpz.com>  
**Subject:** RE: TGV - lis pendens  
**Importance:** High

That's nit-picky but here you go **ALL FIXED SEE ATTACHED.**

Page 3 is fixed --- please see attached.

**The rest is the legal description required by the title company and the same as contained in the HD Lending deed of trust among other instruments.**

Take of page 10 that's easy – page 10 deleted please see attached.

**WE NEED THE FINAL EXECUTED AND NOTARIZED DOCUMENT TODAY.**

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**From:** [mnevarez@lawofficesmrn.com](mailto:mnevarez@lawofficesmrn.com) <[mnevarez@lawofficesmrn.com](mailto:mnevarez@lawofficesmrn.com)>  
**Sent:** Tuesday, November 2, 2021 5:54 PM  
**To:** Jeff Carruth <[jcarruth@wkpz.com](mailto:jcarruth@wkpz.com)>  
**Cc:** [paralegal-2@lawofficesmrn.com](mailto:paralegal-2@lawofficesmrn.com)  
**Subject:** FW: TGV - lis pendens

1. Your page 3 of the attached Release, incorrectly references a warranty deed in the acknowledgement.
2. Your page 3 of the attached Release, has an incorrect month in the acknowledgement.
3. Your page 4, Exhibit 001, was not part of Westar's Lis Pendens, so please explain why you would ask my client to release it.

4. Your pages 5-7, Exhibit A, are blurry, unreadable, and were not part of Westar's Lis Pendens, so explain why you would ask my client to release them/it. The paper copies of same that you sent me are also blurry and unreadable.
5. Your pages 8-9, Exhibit A-1, are blurry, unreadable, and were not part of Westar's Lis Pendens, so explain why you would ask my client to release them/it. The paper copies of same that you sent me are also blurry and unreadable.
6. Your page 10 is blank. Why?

We're certainly not refusing to sign a release, but without clarification of the above, I can't ask my client to sign something completely different than what is stated in the Westar Lis Pendens.

Please clarify what's going on.

**Michael R. Nevarez**  
**Attorney at Law**

The Nevarez Law Firm, PC  
Attorneys And Counselors At Law  
Mailing Address:  
P.O. Box 12247  
El Paso, TX 79913  
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**From:** Jeff Carruth <[jcarruth@wkpz.com](mailto:jcarruth@wkpz.com)>  
**Sent:** Tuesday, November 2, 2021 3:28 PM  
**To:** 'mnevarez@lawofficesmrn.com' <[mnevarez@lawofficesmrn.com](mailto:mnevarez@lawofficesmrn.com)>  
**Subject:** RE: TGV - lis pendens

I can also send a mobile notary to your client's location.

There is no changing the form of the release – that is the form required by the title company

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**From:** Jeff Carruth  
**Sent:** Tuesday, November 2, 2021 1:59 PM  
**To:** [mnevarez@lawofficesmrn.com](mailto:mnevarez@lawofficesmrn.com)  
**Subject:** RE: TGV - lis pendens

I need document which can be recorded – not scan or fax.

Your folks are in DFW area so please tell me where I can send courier to pick up the release.

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**From:** [mnevarez@lawofficesmrn.com](mailto:mnevarez@lawofficesmrn.com) <[mnevarez@lawofficesmrn.com](mailto:mnevarez@lawofficesmrn.com)>  
**Sent:** Tuesday, November 2, 2021 1:54 PM  
**To:** Jeff Carruth <[jcarruth@wkpz.com](mailto:jcarruth@wkpz.com)>  
**Subject:** RE: TGV - lis pendens

1. We will work with out on the rest but the plan says IMMEDIATELY RELEASE LIS PENDENS. That was >2 weeks ago.

Which means you should have sent the release of the lis pendens out IMMEDIATELY ON 10/15 instead of waiting until 10-27. In other words, contrary to the 10/15 confirmation order, you wasted TWO WEEKS!

2. In any case, I'll get the release to you today.

Thanks.

**Michael R. Nevarez**  
**Attorney at Law**

The Nevarez Law Firm, PC  
Attorneys And Counselors At Law  
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P.O. Box 12247  
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---

**From:** Jeff Carruth <[jcarruth@wkpz.com](mailto:jcarruth@wkpz.com)>  
**Sent:** Tuesday, November 2, 2021 9:55 AM  
**To:** [mnevarez@lawofficesmrn.com](mailto:mnevarez@lawofficesmrn.com)  
**Subject:** RE: TGV - lis pendens

**CLARIFICATION:** We need the release today or will file something to enforce the confirmation order and seek other relief. We have no other choice at this point.

We will work with out on the rest but the plan says IMMEDIATELY RELEASE LIS PENDENS. That was >2 weeks ago.

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**From:** Jeff Carruth <[jcarruth@wkpz.com](mailto:jcarruth@wkpz.com)>  
**Sent:** Tuesday, November 2, 2021 10:53 AM  
**To:** [mnevarez@lawofficesmrn.com](mailto:mnevarez@lawofficesmrn.com)  
**Subject:** RE: TGV - lis pendens

We need the release today or will file something.

We will work with out on the rest but the plan says IMMEDIATELY RELEASE LIS PENDENS. That was >2 weeks ago.

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**From:** [mnevarez@lawofficesmrn.com](mailto:mnevarez@lawofficesmrn.com) <[mnevarez@lawofficesmrn.com](mailto:mnevarez@lawofficesmrn.com)>  
**Sent:** Tuesday, November 2, 2021 10:48 AM  
**To:** Jeff Carruth <[jcarruth@wkpz.com](mailto:jcarruth@wkpz.com)>  
**Subject:** RE: TGV - lis pendens

1. Yes, working on the release.
2. I got your voicemail message that you left yesterday after close of business, so I wasn't around to answer your call.
3. I have a hearing this morning and will call you afterwards.

**Michael R. Nevarez**  
**Attorney at Law**

The Nevarez Law Firm, PC  
Attorneys And Counselors At Law  
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P.O. Box 12247  
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**From:** Jeff Carruth <[jcarruth@wkpz.com](mailto:jcarruth@wkpz.com)>  
**Sent:** Monday, November 1, 2021 3:15 PM  
**To:** [MNevarez@LawOfficesMRN.com](mailto:MNevarez@LawOfficesMRN.com)  
**Subject:** TGV - lis pendens

Michael – The only plan provision re time is 45 days to pay the \$100k and IMMEDIATELY to release the lis pendens. The lis pendens needs to be released now per the plain language of the plan.



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